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Jeffrey C. Hood Meyertons, Hood, Kivlin, Kowert & Goetzel P.O. Box 398 Austin, TX 78767			RICEK, JASON D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/662,968	<b>Applicant(s)</b> HUSAIN ET AL.
	<b>Examiner</b> JASON RECEK	<b>Art Unit</b> 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 April 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5,7-22,24-39 and 41-50 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4, 7-22, 24-39, 41-50 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

This is in response to the amendment filed on April 9th 2008 which concerns application 10/662968.

***Status of Claims***

Claims 1-5, 7-22, 24-39 and 41-50 are pending.

Claims 1-5, 7-22, 24-39 and 41-50 are rejected under 35 U.S.C. 103(a).

***Response to Arguments***

1. Applicant's arguments directed to the objection of the specification have been fully considered but they are not persuasive.

Applicant argues that the specification provides support for the term "computer-readable storage medium". This argument is not persuasive. While the specification describes multiple types of media, it uses the term "carrier media", not "computer-readable storage medium". This difference is why the specification fails to provide proper antecedent basis. Since the specification recites "transmission media" and "signals" it is very important to clearly define what computer-readable storage medium is because signals are not patentable subject matter.

2. Applicant's arguments, with respect to the rejection(s) of claim(s) 1-50 under 103(a) have been fully considered and are persuasive. Specifically, it is agreed that Colyer does not explicitly disclose starting an instance of an application on a second computer as recited by amended claim 1. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Andrews et al. US 2003/0217094 A1.

***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 18-34 have been amended to recite "computer-readable storage medium", the specification does not provide proper antecedent basis for this term. The specification only provides support for the term "carrier media". The examiner recommends that paragraph 1 of page 63 of the specification be amended to include support for the term "computer-readable storage medium".

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 9, 11-15, 18-22, 26, 28-32, 35-39, and 43-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colyer et al. U.S. Pat. 6,151,621 in view of Llewellyn et al. US 2003/0061279 A1 and in further view of Andrews et al. US 2003/0217094 A1.

Regarding claim 1, Colyer discloses, "sending collaborative data from a first instance of the collaborative application on a first computer system" (Fig. 3 item 32A), "to a second instance of the collaborative application on a second computer system;" (Fig. 3 item 32B), "determining an application type of the collaborative application" as a conferencing system that supports several ways to collaborate, these include chat rooms, and whiteboards, in order to collaborate it is essential that the computer start the appropriate program necessary (either the chat or white board application) and in doing so it would determine what type of collaborative application was in use (Fig. 3 item 50A, col. 8 lines 25-30), "sending collaborative data from the second instance of the collaborative application to the first instance of the collaborative application" as a personal conferencing system that communicates over a network between two or more computers, the conferencing system being the collaborative application (Fig. 1, col. 1 ln. 30-40, col. 7 ln. 6-8).

Colyer does not specifically disclose "sending collaborative data from a third instance of the collaborative application on the first computer system to a fourth instance of the collaborative application on the second computer system; and sending collaborative data from the fourth instance of the collaborative application to the third instance of the collaborative application" however this is taught by Llewellyn as a system that allows for multiple simultaneous instances of the same application (paragraph 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Colyer to allow multiple instances of the same application as taught by Llewellyn for the purpose of collaborating. A specific type of collaboration application where multiple instances would be beneficial is a chat room application because a user may wish to chat privately with different persons. Colyer suggests that every time a chat button is pressed a new instance of that application is created (col. 10 ln. 35-37).

Colyer and Llewellyn do not explicitly disclose "automatically determining that no existing instance of the application ... is running" or "automatically instantiating a second instance ... in response to determining that no existing instance ... is running on the second computer system". However these limitations are taught by Andrews as a system that determines whether an instance exists, and if it does not it creates one (paragraph 64). This process is performed automatically (paragraph 99, Fig. 8).

Andrews further teaches that the creation of the instance may be stored in a data store (paragraph 69) which resides on the system (Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Colyer and Llewellyn with the teachings of Andrews. As stated by applicant (pg.18 of response), Colyer discloses creating an instance of an object when required (col. 8 ln. 2-4). It would have been obvious to apply this teaching to also create an instance of an application when required as taught by Andrews for the purpose of using the system.

Regarding claim 2, Colyer discloses "wherein each instance of the collaborative application is associated with a globally unique ID (GUID) which distinguishes the respective instance from other instances in the networked computing environment" as a necessary part of being able to run multiple instances of an application (Fig. 1). In order for to allow one computer to run two instances of an application and have them communicate and be able to receive data in return specific to that collaborative session, such an identifier would be inherent and may be similar to the meta data (identifying data) found in an IP packet (col. 1, lines 39-41).

Regarding claim 3, Colyer discloses "wherein each respective instance of the collaborative application sends and receives collaborative data by sending and receiving messages through a distributed computing infrastructure" as a group of

computers that are communicate over a network the network being a distributed computing infrastructure (Fig. 1 item 14).

Regarding claim 4, Colyer discloses "wherein the collaborative application comprises a chat application which enables a user of the first computer system and a user of the second computer system to communicate using text; wherein the collaborative data comprises text to be displayed" as a personal conferencing system that uses 'chat rooms' which enable users (of computer systems) to communicate in text or voice (column 1, lines 13-16).

Regarding claim 5, Colyer discloses "wherein the collaborative application comprises a shared whiteboard application which enables a user of the first computer system and a user of the second computer system to communicate using graphical data on a virtual shared whiteboard; wherein the collaborative data comprises graphical data to be displayed" as a conferencing system that allows a number of participants to interact with a white board where they can see and edit the same drawing (column 1, lines 21-23).

Regarding claim 9, Colyer discloses "maintaining a first collaborative session, wherein the first collaborative session comprises transmission of a first set of collaborative data between a first computer system" (Fig. 3 Server, col. 7 lines 6-8), "a second computer system, and zero or more additional computer systems;" (Fig. 3 Client

1 in communication with Server, col. 7 line 6), "maintaining a second collaborative session" (Fig. 3 item 36 of Client 2 in communication with item 50B), Colyer also discloses, "wherein transmission of at least a portion of the second set of collaborative data occurs prior to transmission of all of the first set of collaborative data" as a white board collaborative session where drawings are performed in a series of steps (col. 8 lines 60-64, col. 9 lines 50-59). It is easy to imagine a collaborative session where a first user transmits the first sequence of drawings / steps and a second user on a second computer transmits the next sequence of drawings / steps after which the first user transmits another sequence of drawings to steps. The steps transmitted by the respective users comprise sets of collaborative data and when transmitted in this order they anticipate claim 9.

Colyer does not disclose "the second collaborative session comprises transmission of a second set of collaborative data between a third instance of the collaborative application on the first computer system and a fourth instance of the collaborative application on a third computer system" however this is taught by Llewellyn as a system that allows for multiple simultaneous instances of the same application (paragraph 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Colyer to allow multiple instances of the same application as taught by Llewellyn for the purpose of collaborating. A specific type of collaboration application where multiple instances would be beneficial is a chat room application because a user

may wish to chat privately with different persons. Colyer suggests that every time a chat button is pressed a new instance of that application is created (col. 10 ln. 35-37).

Colyer and Llewellyn do not explicitly disclose "the second instance of the collaborative application on the second computer system is automatically instantiated in response to receiving the first set of collaborative data at the second computer system". However, this is taught by Andrews as a system that determines whether an instance exists upon receiving a message (collaborative data), and if it does not it creates one (paragraph 64). This process is performed automatically (paragraph 99, Fig. 8). Andrews further teaches that the creation of the instance may be stored in a data store (paragraph 69) which resides on the system (Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Colyer and Llewellyn with the teachings of Andrews. As stated by applicant (pg.18 of response), Colyer discloses creating an instance of an object when required (col. 8 ln. 2-4). It would have been obvious to apply this teaching to also create an instance of an application when required as taught by Andrews for the purpose of using the system.

Regarding claims 11-15, the claims correspond to claims 1-5 which are rejected above. The claims 11-15 contain the same limitations and are therefore rejected for the same reasons as stated in the rejections of claims 1-5.

Regarding claim 18, it is a computer medium that corresponds to claim 1, therefore it is rejected for the same reasons as claim 1.

Regarding claims 19-22, the claims correspond to claims 2-5 which are rejected above. The claims 19-22 contain the same limitations and are therefore rejected for the same reasons as stated in the rejections of claims 2-5.

Regarding claim 26, it is a computer medium claim that corresponds to claim 9, therefore it is rejected for the same reasons as claim 9.

Regarding claims 28-32, the claims correspond to claims 11-15 which are rejected above. The claims 28-32 contain the same limitations and are therefore rejected for the same reasons as stated in the rejections of claims 11-15.

Regarding claim 35, it is a system claim that corresponds to claim 1, therefore it is rejected for the same reasons as claim 1.

Regarding claims 36-39, the claims correspond to claims 2-5 which are rejected above. The claims 36-39 contain the same limitations and are therefore rejected for the same reasons as stated in the rejections of claims 2-5.

Regarding claim 43, Colyer discloses: "a first computer system, comprising a first CPU and a first memory;" as a client computer (Fig. 3);

"a plurality of additional computer systems, each comprising a respective additional CPU and a respective additional memory, wherein the plurality of additional computer systems are communicatively couple to the first computer system via a network" as multiple computers connected through a network (Fig. 3);

"wherein the first computer system and a first subset of the additional computer systems are operable to maintain a first collaborative session, wherein a first instance of a collaborative application is stored in the first memory and executable by the first CPU, and wherein a respective instance of the collaborative application is stored in the respective memory and executable by the respective CPU of each of the first subset of the additional computer systems" as a conferencing system consisting of multiple computers where the collaboration instances are stored locally in the computer's memory (Fig. 3, column 7, lines 39-44).

Colyer does not specifically disclose "wherein the first computer system and a second subset of the additional computer systems are operable to maintain a second collaborative session, wherein a second instance of the collaborative application is stored in the first memory and executable by the first CPU, and wherein a respective instance of the collaborative application is stored in the respective memory and executable by the respective CPU of each of the second subset of the additional computer systems" nor "wherein the second collaborative session comprises transmission of collaborative data among the second instance of a collaborative

application on the first computer system and the respective instances of the collaborative application on the second subset of the additional computer systems" however Colyer does teach a conferencing system that allows users to collaborate over a network and the collaboration data is only sent to those participating in the conference (i.e. running an instance of the application) (Fig. 3, column 8, lines 18-20 and column 9, lines 50-59), and Colyer teaches that each collaboration session is represented by an instance (col. 8 ln. 16-17). Llewellyn teaches the claimed limitation - multiple simultaneous instances of the same application on the same computer (paragraph 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Colyer to allow multiple instances of the same application as taught by Llewellyn for the purpose of collaborating. A specific type of collaboration application where multiple instances would be beneficial is a chat room application because a user may wish to chat privately with different persons. Colyer suggests that every time a chat button is pressed a new instance of that application is created (col. 10 ln. 35-37).

Colyer and Llewellyn do not explicitly disclose "the respective instances of the collaborative application on each of the first subset of the additional computer systems are automatically instantiated in response to receiving the collaborative data". However this limitation is taught by Andrews as a system that determines whether an instance exists, and if it does not it creates one (paragraph 64) upon receiving a message (collaborative data). This process is performed automatically (paragraph 99, Fig. 8).

Andrews further teaches that the creation of the instance may be stored in a data store (paragraph 69) which resides on the system (Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Colyer and Llewellyn with the teachings of Andrews. As stated by applicant (pg.18 of response), Colyer discloses creating an instance of an object when required (col. 8 ln. 2-4). It would have been obvious to apply this teaching to also create an instance of an application when required as taught by Andrews for the purpose of using the system.

Regarding claim 44-48, the claims correspond to claims 1-5 which are rejected above. The claims 44-48 contain the same limitations and are therefore rejected for the same reasons as stated in the rejections of claims 1-5.

4. Claims 7-8, 16-17, 24-25, 33-34, 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colyer, Llewellyn and Andrews in view of Butler U.S. 6,584,493 B1.

Regarding claim 7, Colyer and Llewellyn disclose all the limitations of claim 1 but do not disclose "wherein data is send from the first computer system to the second computer system and one or more additional computer systems using multicast peer-to-peer messaging". Butler however does teach the above limitation as a conferencing system that is end-hosted and thus data transmitted is done in the peer-to-peer fashion,

the multicast is implemented when the end-hosts act as servers for the other clients and pass the data along (columns 4-5, lines 61-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Colyer and Llewellyn with the teachings of Butler. The motivation for doing so can be found in Butler as performance data that shows when peer-to-peer messaging is used there is a significant reduction in network traffic (column 5, lines 11-12).

Regarding claim 8, Colyer and Llewellyn disclose all the limitations of claim 1 but do not disclose "wherein data is send from the first computer system to the second computer system and one or more additional computer systems using broadcast peer-to-peer messaging". Butler however does teach the above limitation as a conferencing system that is end-hosted and thus data transmitted is done in the peer-to-peer fashion, broadcasting data is performed when the host globally broadcasts to all members in the conference (column 5, lines 7-10).

The motivation to combine Colyer and Llewellyn with Butler is the same as for claim 7.

Regarding claims 16-17, 24-25, 33-34, 41-42, and 49-50 the claims correspond to claims 7-8, thus they are rejected under the same rationale. The motivation to combine the references is the same as well.

Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colyer, Llewellyn and Andrews in view of Harpie et al. U.S. 6,195,091 B1.

Regarding claims 10 and 27, Colyer discloses "wherein a first session comprises communication among a first instance of the collaborative application running on the first computer system" (col. 8 lines 6-9), "a second instance of the collaborative application running on a second computer system" (col. 7 lines 47-50), "and a third instance of the collaborative application running on a third computer system" (col. 7 lines 47-50). Colyer does not specifically disclose "and wherein the method further comprises: initiating a fourth instance of the collaborative application on the first computer system" however this is taught by Llewellyn as a system that allows for multiple simultaneous instances of the same application (paragraph 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Colyer to allow multiple instances of the same application as taught by Llewellyn for the purpose of collaborating. A specific type of collaboration application where multiple instances would be beneficial is a chat room application because a user may wish to chat privately with different persons. Colyer suggests that every time a chat button is pressed a new instance of that application is created (col. 10 ln. 35-37).

Colyer and Llewellyn do not disclose "sending a private message from the fourth instance of the collaborative application on the first computer system to the second

computer system; receiving the message at the second computer system; initiating a fifth instance of the collaborative application on the second computer system in response to receiving the message" however Harple et al. teaches this as a system wherein multiple conference sessions may run on a computer, the conference sessions provide text message capability, and a user may send a message to another user and when received a new collaborative session will be initiated (Fig. 2, column 10 lines 23-57). Harple et al. also discloses "wherein a second session comprises the fourth instance of the collaborative application on the first computer system and the fifth instance of the collaborative application on the second computer system" as a system that provides for multiple collaborative sessions running concurrently (column 2, lines 33-36); and further discloses "displaying the message using the fifth instance of the collaborative application on the second computer system" by providing a graphical user interface for displaying messages (column 11, lines 3-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Colyer and Llewellyn with Harple et al. Once the conference has started it may be more efficient to communicate with one member directly and privately then the entire group. Instead of picking up the phone, Harple et al. allows a user to simply send a message from their computer to another conference member thereby starting a second collaborative session. The motivation to combine this feature with the conference feature of Colyer is to reduce costs by not having to use the telephone.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alban et al. US 7,363,377 B1 teaches a client instantiating a process instance if one does not exist (Fig. 18).

Jacobs et al. US 6,710,786 B1 teaches determining if an instance is available, if no instance is available a new instance is created (Fig. 3B).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON RECEK whose telephone number is (571)270-1975. The examiner can normally be reached on Mon - Thurs 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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